

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DE'SEAN LAMAR BUTTERFIELD

Plaintiff,

v.

CAMBRIDGE SECURITY

Defendant.

CIVIL ACTION NO. 19-4093

**ORDER**

AND NOW, this 24th day of January 2023, upon consideration of Plaintiff's Motions for Appointment of Counsel [Doc. Nos. 15, 22], it is hereby **ORDERED** that the Motions are **DENIED without prejudice.**<sup>1</sup>

It is further **ORDERED** that Plaintiff shall respond to Defendant's Motion to Dismiss [Doc. No. 19] on or before **February 7, 2023**.

It is so **ORDERED**.

**BY THE COURT:**

/s/ Cynthia M. Rufe

**CYNTHIA M. RUFÉ, J.**

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<sup>1</sup> Indigent civil litigants do not have a constitutional or statutory right to appointed counsel, but a district court may, in its discretion, make efforts to appoint counsel. *Gordon v. Gonzalez*, 232 F. App'x 153, 156 (3d Cir. 2007). Pursuant to the decision in *Tabron v. Grace*, 6 F.3d 147 (3d Cir.1993), the Court should first determine whether the indigent plaintiff's case has some arguable merit in fact and law. *Id.* at 155. If the Court determines that the plaintiff's claim has arguable merit in fact and law, then the Court should consider the following factors: (1) the plaintiff's ability to present his own case; (2) the difficulty of the particular legal issues; (3) the degree to which factual investigation will be necessary and the ability of the plaintiff to pursue investigation; (4) the plaintiff's capacity to retain counsel on his behalf; (5) the extent to which a case is likely to turn on credibility determinations; and (6) whether the case will require testimony from expert witnesses. *Id.* at 155–57. Considering this guidance, the Court will deny Plaintiff's Motions without prejudice at this time.